

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

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| EZELL ROBERTS, |) | No. ED101956 |
| |) | |
| Appellant, |) | Appeal from the Circuit Court of |
| |) | St. Louis County |
| vs. |) | |
| |) | |
| STATE OF MISSOURI, |) | Honorable Michael T. Jamison |
| |) | |
| Respondent. |) | Filed: November 3, 2015 |

Ezell Roberts (Movant) appeals the judgment of the Circuit Court of St. Louis County denying, after an evidentiary hearing, his Rule 29.15 motion for post-conviction relief. We reverse and remand for an inquiry into whether Movant was abandoned by post-conviction counsel.

REVERSED AND REMANDED.

Division Four Holds: Although post-conviction counsel untimely filed Movant's amended Rule 29.15 motion, the motion court failed to conduct an independent inquiry into whether post-conviction counsel abandoned Movant. Accordingly, we reverse the motion court's judgment and remand to the motion court for an independent inquiry into whether Movant was abandoned by post-conviction counsel and further proceedings consistent with the outcome of the inquiry.

Opinion by: Patricia L. Cohen, J.

Sherri B. Sullivan, P.J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Gwenda R. Robinson

Attorney for Respondent: Dora A. Fichter

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| THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED. |
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